

Town Board Minutes

May 16, 2022

Meeting No. 10

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16th day of May 2022 at 7:00 P.M. and there were

PRESENT: MARK BURKARD, COUNCIL MEMBER
ADAM DICKMAN, COUNCIL MEMBER
ROBERT LEARY, COUNCIL MEMBER
DAVID MAZUR, COUNCIL MEMBER
RONALD RUFFINO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: DIANE TERRANOVA, TOWN CLERK
THOMAS FOWLER, TOWN ATTORNEY
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
WILLIAM KARN, CHIEF OF POLICE
MICHELLE BARBARO, DEP. HIGHWAY SUPERINTENDENT
JOHN PILATO, HIGHWAY SUPERINTENDENT
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.

EXECUTIVE SESSION: No. 1

AT 7:21 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER BURKARD, for the purpose on entering into an Executive Session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

The question of entering into an Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

At 7:35 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

MOTION WAS MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR, to close the Executive Session.

The question of closing the Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

EXECUTIVE SESSION: No. 2

AT 8:32 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER BURKARD, for the purpose on entering into an Executive Session to discuss proposed, pending or current litigation and the collective bargaining negotiations per Article 14 of Civil Service Law.

The question of entering into an Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

At 9:04 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

MOTION WAS MADE BY COUNCIL MEMBER DICKMAN, SECONDED BY COUNCIL MEMBER LEARY, to close the Executive Session.

The question of closing the Executive Session was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

PERSONS ADDRESSING TOWN BOARD:

Ackerman, Jill, on behalf of Blue- & White-Collar Units spoke to the Town Board on the following matter:

- Comments on negotiations of the two contracts.

Blanchard, Jerry, spoke to the Town Board on the following matter:

- Asked about when the opening of the new Dog Control Shelter will take place.

Dwan, Mike Esq., on behalf of Mr. and Mrs. Bice, spoke to the Town Board on the following matter:

- Comments regarding a neighboring business on Pavement Road and the obtrusive noise in the evening.

Forys, John, spoke to the Town Board on the following matters:

- Comments regarding OSHA regulations.
- Issues with a neighbor's fence and code regulations.

Hartwig, Kelly, spoke to the Town Board on the following matter:

- Requests a park in the southern part on the Town and asked what the next step is in this procedure.

O'Brien, Liam, spoke to the Town Board on the following matter:

- Comments regarding union contract negotiations.

Pease, Scott, White Collar Union President, spoke to the Town Board on the following matter:

- Commented on the Union Contract negotiations.

Rath Paul, spoke to the Town Board on the following matters:

- Comments regarding the growth of the Town and what services are needed.
- Asked about the Federal holiday, Juneteenth, and if employees will get this holiday off work.

Shelton, Cory, spoke to the Town Board on the following matter:

- Comments regarding union contract negotiations.

Snyder, John, spoke to the Town Board on the following matter:

- Comments regarding the Highway Department's service to the residents.

Thomas, Michael, spoke to the Town Board on the following matter:

- Commented about the project before the Town Board for the corner of Bowen Road and Broadway.

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 1 Special Use Permit –
Anderson’s Frozen Custard

ON MOTION BY COUNCIL MEMBER DICKMAN, SECONDED BY
COUNCIL MEMBER BURKARD AND CARRIED, the public hearing was opened.

At 7:16 P.M., the Town Board held a Public Hearing to hear all interested
persons upon a Special Use Permit – Anderson’s Frozen Custard – 4855 Transit Road matter.

The affidavits of publication and posting of this Public Hearing are on file
and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
None	

ON MOTION BY COUNCIL MEMBER MAZUR, SECONDED BY
COUNCIL MEMBER LEARY AND CARRIED, the public hearing was closed at 7:17 P.M.

Decision on this matter was reserved.

May 16, 2022

PUBLIC HEARING SCHEDULED FOR 7:15 P.M.: No. 2 L.L. Schedule B Revision

ON MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER MAZUR AND CARRIED, the public hearing was opened.

At 7:17 P.M., the Town Board held a Public Hearing to hear all interested persons upon a L.L. Schedule b Revision which will amend the Code by updating and correcting lot sizes within Zoning 400 Attachment 2, Schedule B matter.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Question
None	

ON MOTION BY COUNCIL MEMBER LEARY, SECONDED BY COUNCIL MEMBER BURKARD AND CARRIED, the public hearing was closed at 7:19 P.M.

Decision on this matter was reserved.

May 16, 2022

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
May 2, 2022 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk
by the Assistant to the Supervisor, to wit:

Check Run #05162022

Total amount hereby authorized to be paid: \$807,658.89

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 310 of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

Pmt #	SW	Applicant Name	Address	STRUCTURE	Village
33893		Crown Castle USA Inc.	0 S Penora St	Cell Tower - Alteration	
33913		Besroi Construction	48 Park Blvd	Re-Roof	(V/L)
33914		Besroi Construction	39 Sawgrass Ln	Re-Roof	
33916		Besroi Construction	202 Aurora St	Re-Roof	(V/L)
33918		Besroi construction	33 Camner Ave	Re-Roof	(V/L)
33919		Besroi Construction	24 Sawyer Ave	Re-Roof	(V/L)
33920		Besroi Construction	31 Park Blvd	Re-Roof	(V/L)
33921		Besroi Construction	49 Summerfield Dr	Re-Roof	
34001		Amish Villa	69 Williamsburg Ln	Er. Shed	
34049		Wise Carpentry LLC	4 Valley Overlook Dr	Er. Deck	
34069		Anna Messinger	60 Trentwood Trl N	Er. Fence	
34076		Alicia Bishop	4 Clermont Ct	Er. Shed	
34077		Daniel Speyer	20 Tranquility Trl	Er. Shed	
34078		Dennis Komrek	11 Bridgewater Ct	Er. Porch/Porch Cover	
34079		JLB Installations	13 Ryan St	Er. Pool-In Grnd	
34080		Frank Minisci	78 Stony Brook Dr	Er. Shed	
34081		Gabrielle's Bakery	19 W Main St	Er. Sign – Wall	(V/L)
34082		Carol Burr	44 Grant St	Er. Fence	(V/L)
34083		Scott Nicastro	5 Park Walk	Er. Pool-Abv Grnd	
34084		Zenner & Ritter Co. Inc.	549 Lake Ave	Inst. Generator	
34085		Zenner & Ritter Co. Inc.	22 Hampton Ct	Inst. Generator	
34086		Scott Richthammer	45 Apple Blossom Blvd	Er. Fence	
34087		Marksmen Fence Inc.	45 Kelly Ct	Er. Fence	(V/L)
34088		JD Brick Fencing	22 Squirrel Run	Er. Fence	
34089		Thomas Chojnacki	96 Erie St	Er. Res. Add.	(V/L)
34090		Arthur Hauret	8 Summerfield Dr	Er. Fence	
34091		AVA Roofing & Siding Inc.	14 Beatrix Cir	Re-Roof	
34092		Neth & Son Inc.	8 Walnut Creek Trl	Re-Roof	
34093		Buffalo Roofing Co. LLC	49 Hillside Pky	Re-Roof	
34094		Osinski Plumbing Inc.	29 Quincy Ave	Inst. Res. Plumbing	(V/L)
34095		F&D Construction Inc.	33 Pear Tree Ln	Er. Porch/Porch Cover	
34096		Ryan Vandersluis	67 Michaels Walk	Er. Fence	
34097		Frank Minisci	78 Stony Brook Dr	Er. Fence	
34098		Thomas Lonzi	17 Iroquois Ave	Dumpster - Temp.	(V/L)
34099		Telco Constuction Inc.	12 Colonial Ave	Dem. Garage	(V/L)
34100		Homes Unlimited	18 Sugarbush Ln	Er. Res. Add.	
34101		Sathya Sivakumar	65 Harvey Dr	Er. Fence	V/L)
34102		Besroi Construction	176 Peppermint Rd	Re-Roof	
34103		Holly Lynch	89 Wilma Dr	Er. Pool-Abv Grnd	(V/L)
34104		Besroi Construction	63 Gale Dr	Re-Roof	
34105		Swimco Manufacturing Inc.	42 Wainwright Ct	Er. Pool-In Grnd	
34106		Riverside Door & Window Inc.	1848 Como Park Blvd	Re-Roof	(V/L)
34107		ABC Hardare & Rental Inc.	721 Pleasant View Dr	Inst. Generator	
34108		Craig Harris	120 Court St	Er. Fence	(V/L)
34109		LeRoy Jackson	30 Christen Ct	Er. Pool-Abv Grnd	(V/L)
34110		Lawrence Colucci	83 Heritage Dr	Er. Fence	
34111		Philip Gonser	6 Pear Tree Ln	Er. Fence	
34112		George Johnson	277 Ransom Rd	Er. Res. Alt.	
34114		Decks Unlimited Construction	24 Northfield Ln	Er. Fence	

34115	Decks Unlimited Construction	26 Northfield Ln	Er. Fence
34116	James Poulos	62 Trentwood Trl N	Er. Fence
34117	Kevin Krauss	146 S Irwinwood Rd	Dumpster - Temp. (V/L)
34118	Summers & Sons Construction	46 Hidden Meadow Cros	Er. Deck
34119	Holly Pecyna	42 Holland Ave	Er. Fence (V/L)
34120	Kazim Abidi	2 Middlebury Ln	Er. Fence
34121	Nicola Fulciniti	16 Katelyn Ln	Er. Pool-Abv Grnd
34122	Nicola Fulciniti	16 Katelyn Ln	Er. Fence
34123	Holly Lynch	89 Wilma Dr	Dumpster - Temp. (V/L)
34124	Joshua Strell	5898 Broadway	Er. Sign - Temp
34125	Buffalo Modular Homes	972 Townline Rd	Er. Dwlg.-Sin.
34126	The KAZ Company	6 Schilling Ct	Re-Roof
34127	CMK Builders of Alden, Inc.	6143 Broadway	Er. Dwlg.-Sin.
34130	F&D Construction Inc.	6 Pear Tree Ln	Er. Res. Alt.
34132	F&D Construction Inc.	128 Avian Way	Er. Porch/Porch Cover
34133	Amanda Cramer	28 Shadyside Ln	Er. Fence
34134	The Vinyl Outlet Inc.	4893 William St	Er. Porch/Porch Cover
34135	Superior Decks & Gazebos Inc.	12 Signal Dr	Er. Deck
34136	Nancy Benzin	36 Hanover St	Er. Fence
34137	Daniel Garigen	23 Sawgrass Ln	Er. Deck
34138	Majestic Pools Inc.	65 Worthington Ln	Er. Pool-In Grnd
34139	Majestic Pools Inc.	65 Worthington Ln	Er. Fence
34141	House Crafters LLC	42 Summerfield Dr	Re-Roof
34143	Sarah Donogher	13 Kevwood Ln	Er. Shed
34144	House Crafters LLC	13 Kevwood Ln	Er. Porch/Porch Cover
34147	Stephen Duck	5063 William St	Er. Fence
34148	Michael Mason	234 Stony Rd	Er. Pool-Abv Grnd
34149	David Wittman	7 Weathersfield Ln	Er. Porch/Porch Cover
34150	The Gutter People of WNY Inc.	30 Vandenberg Ave	Er. Res. Alt. (V/L)
34152	Michael & Renee Stegmeier	24 Whitestone Ln	Er. Res. Alt.
34153	Schuster Construction LLC	1918 Como Park Blvd	Er. Res. Alt. (V/L)
34154	REME General Contracting Inc.	5285 Broadway	Er. Res. Add./Alt. (V/L)
34155	Matthew Kubiak	37 Pear Tree Ln	Er. Pergola
34158	Metro Property Preservation	15 Ellie Ct	Er. Res. Alt.
34159	HomeWorks of WNY LLC	17 Partridge Walk	Er. Res. Alt.
34160	Jason Czerniak	14 Randolph St	Er. Fence (V/L)
34162	Daniel Green	297 Enchanted Forest N	Er. Deck

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED YES
COUNCIL MEMBER DICKMAN	VOTED YES
* COUNCIL MEMBER LEARY	ABSTAINED
COUNCIL MEMBER MAZUR	VOTED YES
SUPERVISOR RUFFINO	VOTED YES

May 16, 2022

* Council Member Leary Abstained Due to receiving a Building Permit for his Property.

PREFILED RESOLUTION NO. 4 - MEETING OF MAY 16, 2022

4. Ruffino/_____Appoint David R. Hanitz Court Officer Part-Time Provisional

A MOTION WAS MADE BY COUNCIL MEMBER LEARY,
SECONDED BY COUNCIL MEMBER BURKARD TO TABLE THIS RESOLUTION.

The question of tabling the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

RESOLUTION TABLED

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER DICKMAN, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, George Peppes, 5153 Transit Road, Depew, New York 14043
has applied to the Town Board of the Town of Lancaster for a permit for Private
Improvements upon real property in the Town of Lancaster within 5153 Transit Road, and

WHEREAS, on October 18, 2021, the Town Board of the Town of Lancaster
in accordance with the stipulations listed in Section 400-75(D)(9) of the Code of the Town of
Lancaster rescinded Private Improvement Permit No. 833, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the
following permit application that he has reviewed the improvement plans and permit
application for the installation of the private improvements requested, and they conform to the
Ordinances of the Town of Lancaster, and

WHEREAS, the Town Engineer of the Town of Lancaster by letter dated May
4, 2022 has recommended the previously submitted Public Improvement Permit be approved.

NOW, THEREFORE,

BE IT RESOLVED, that Private Improvement Permit Application No. 833,
5153 Transit Road, Depew, New York 14043 which is a permit for Private Improvements for
the installation of:

- Detention Basin, Storm Sewer, Water Line and Sanitary Sewer at 5153
Transit Road, Depew, New York 14043.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER DICKMAN, TO WIT:

WHEREAS, by letter dated April 29, 2022 the Town of Lancaster’s Supervisor has advised the Town Board that over the last two (2) years the town has accumulated the following items that are currently outdated, unusable or broken beyond repair:

- 1. (15) Dell keyboards
- 2. (1) Dell monitor (serial# CN-OFJ44J-74445-522-2785)
- 3. (3) Logitech keyboards
- 4. (1) Fellows keyboard
- 5. (16) Misc. computer mice
- 6. (1) HP monitor (serial# 3CQ019QCW7)
- 7. (1) HP printer (serial# PHBHC53661)
- 8. (1) HP printer (serial# CNBJL46146)
- 9. (1) LexMark printer (serial# 44491299OLNK6)

and has requested that these items be deemed surplus equipment and be donated for recycling to Sunnking Electronics Recycling Services, and

WHEREAS, Deputy Highway Superintendent, Michelle Barbaro, has secured for the Town’s municipal departments and facilities, a free electronics drop off bin with free pick up by Sunnking Electronics Recycling Services, and

WHEREAS, the Town Board has given due consideration to the request of the Town Supervisor and deems it in the public interest to declare the aforementioned items to be surplus equipment and permit donation of said items for recycling.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the aforementioned electronic equipment to be surplus equipment and authorizes the Town Supervisor to donate said equipment to Sunnking Electronic Recycling Service, 4 Owens Rd, Brockport NY 14420, to be recycled at no cost to the Town per the arrangement made with the Town of Lancaster’s Deputy Highway Superintendent.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies from the State of New York Governor’s Traffic Safety Committee via the Police Traffic Services (PTS) program to reduce unsafe driving behaviors within the Town, and

WHEREAS, grant monies will be used to support overtime police patrols targeting speeding and aggressive driving.

NOW, THEREFORE,

BE IT RESOLVED, that Town of Lancaster Police Captain, Marco Laurienzo, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the State of New York Governor’s Traffic Safety Committee for the purpose of securing this grant, and

BE IT FURTHER,

RESOLVED, that the Supervisor and Chief of Police be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Town of Lancaster Town Code provide for the adoption and enactment of local laws, and

WHEREAS, a proposed Local Law of the Year 2022 entitled “**SCHEDULE B REVISION**”, of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Mazur on the 2nd day of May, 2022, and

WHEREAS, the Town Board, acting as Lead Agency under the State Environmental Quality Review Act (“SEQRA”) has determined the action is a Type II action under 6NYCRR Part 617.5(c)(33), and

WHEREAS, the Town Board called for, noticed, and held a public hearing on the proposed Local Law on May 16, 2022, where all interested parties were allowed to address the proposed Local Law.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. The attached Local Law **No. 4 of 2022** is hereby adopted.
- 2. The Local Law shall be effective upon its filing with the Secretary of State pursuant to the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 4 OF THE YEAR 2022
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, County of Erie, State of New York, on May 16, 2022, Local Law No.4 of the Year 2022, which updates and corrects the lot sizes within Zoning 400 Attachment 2, Schedule B, of the Town of Lancaster's Town Code. Copies of the Local Law are on file for review in the Lancaster Town Hall, 21 Central Avenue and on the Town of Lancaster's website, <http://www.lancasterny.gov>.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

May 19, 2022

Town of Lancaster
Local Law No. 4 of 2022

A Local Law Amending the Code of the Town of Lancaster by updating and correcting lot sizes within Zoning 400 Attachment 2, Schedule B (400 Attachment 2:1- 2:3 & 2:5).

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1: The lot sizes within Zoning 400 Attachment 2, Schedule B is hereby amended as follows:

400 Attachment 2:1

Regulation	AR	R	MFMU	LC	GC	LI	GI
Min lot area		If public sewer: 15,000 square feet per DU If public sewer on corner lot: 15,625 square feet per DU If no public sewer: 37,500 square feet (3/4 ac.) per DU					

400 Attachment 2:2

Regulation	AR	R	MFMU	LC	GC	LI	GI
Min. lot width		Abutting a dedicated street: (1) If public sewer: 100 feet (2) If public sewer on corner lot: 125 feet (3) No public sewer: 150 feet		100 feet			

400 Attachment 2:3

Regulation	AR	R	MFMU	LC	GC	LI	GI
Min. front yard		35 feet					
Min. side yard width for dwellings up to 35 feet ^{iv}		Each side yard: the lesser of 10% of the lot width or 10 feet Total side yard: the lesser of 25% of the lot width or 25 feet From property line or edge of easements					
Min. side yare width for other principal buildings ^{iv}		Each side yard shall be the greater of 15 feet, or width equal to ½ the height of the principal building, but if a side yard abuts an A-R, R, or MFMU lot, that side yard shall equal the greater of 30 feet or a width equal to the full height of the principal building. From property line or edge of easements					
Min. rear yard		35 feet From property line or edge of easements					
Max. building height (in feet)		35 feet					

Regulation	AR	R	MFMU	LC	GC	LI	GI
Building dimension and location, other		N/A					
Accessory: min. location from another structure		10 feet					
Accessory: min. location from lot line		5 feet from side lot line or easement line 35 feet from front lot line					
Additional accessory dimension and location rules		N/A					
Max. accessory structure size		750 square feet					

Section 2. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Ronald Ruffino, Sr., Supervisor of the Town of Lancaster, has recommended the appointment of the following individual to the following part-time permanent position.

NOW, THEREFORE,

BE IT RESOLVED, that the following individual is hereby appointed to the following part-time permanent position, working not more than nineteen and three-quarter hours per week, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time permanent employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE</u>	<u>EFFECTIVE</u>
John T. Crinzi Lancaster, NY	Bingo Inspector	\$70.00 Per Inspection	May 17, 2022

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	NO
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	NO
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, after review and consideration, the Town Board of the Town of Lancaster is proposing to amend Chapter 400 Zoning, Article XIV Administration and Enforcement, by amending subsections of § 400-75(D)(9) Site plan review procedures to include recommendation be provided by the Town of Lancaster’s Planning Board, and

WHEREAS, the Town of Lancaster Planning Board has reviewed proposed Local Law at their meeting on May 4, 2022, and recommended that it be adopted, and

WHEREAS, pursuant to the Town of Lancaster Code and the Municipal Home Rule Law, a public hearing is required prior to adopting a Local Law.

NOW, THEREFORE,
BE IT RESOLVED by the Town Board of the Town of Lancaster that:

- 1. A public hearing for the proposed Local Law of the year 2022, which will require recommendations be provided by Town of Lancaster’s Planning Board prior to approval of granting a site plan extension, by amending Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review of the Code of the Town of Lancaster, will be held at 7:15 o'clock P.M. on the 6th day of June 2022, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the Time and Place be published in the official newspaper of the Town, and
- 2. The Town Clerk is hereby directed and authorized to publish public notice of said hearing in the official newspaper and given in accordance with the Municipal Home Rule Law, the Open Meetings Law, and Sections 264 and 265 of the Town Law of the State of New York, and which Notice shall be in the form attached hereto and made a part hereof, and
- 3. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 23 of the Code of the Town of Lancaster and pursuant to a resolution adopted by the Town Board of the Town of Lancaster on May 16, 2022, the Town Board will hold a Public Hearing on the 6th day of June, 2022 at 7:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purposes of considering and possibly adopting a Local Law to amend the Town Code of the Town of Chapter 400 Zoning, Article XIV Administration and Enforcement, § 400-75(D)(9) Site plan review procedures.

Copies of the proposed Local Law can be reviewed at the Lancaster Town Hall, 21 Central Avenue, during normal business hours. All interested members of the public shall be heard.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER**

By: DIANE M. TERRANOVA
Town Clerk

May 19, 2022

**Town of Lancaster
Local Law No. of 2022**

**A Local Law Amending § 400-75(D)(9) Site Plan Review of the Town Code to Include
Recommendations be Provided by the Town's Planning Board Prior to Granting an
Extension.**

Be it hereby enacted by the Town Board of the Town of Lancaster as follows:

Section 1. Section 400-75(D)(9) of Chapter 400 of Article XIV of the Town Code is hereby amended to read in its entirety as follows:

Section 400-75(D)(9) Zoning, Site plan review

D. Site plan review procedure.

9. Except for subdivisions that have been duly filed in the office of the County Clerk, if construction of an approved development (site plan) has not commenced within two (2) years from the date of site approval, that approval shall be deemed revoked. A one-time additional one-year (1) extension **may** be granted by the Town Board upon receipt of the following:

A. A written request for extension must be submitted to the Town Board, Town Clerk, and Town Attorney's Office.

B. Request must include a current Environmental Assessment Form, and comply with current State, County and Town Zoning and Building Codes/Laws/Regulations.

C. Applicant must present to and receive approval recommendation from, the Town's Planning Board/Department.

Section 2. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Town Board of the Town of Lancaster hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 3. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, by letter dated May 6, 2022 the Town of Lancaster’s Code Enforcement Officer, Matt Fischione, has advised the Town Board that his department is in possession of mainframe computers with hard drives, monitors, keyboards and associated accessories (Serial Numbers: 46MDQW1, B2WTDP1, F007NS1, B2XQDP, and 46LGQW1) that are currently outdated, unusable or broken beyond repair and has requested that these items be deemed surplus equipment and be donated for recycling to Sunnking Electronics Recycling Services, and

WHEREAS, Deputy Highway Superintendent, Michelle Barbaro, has secured for the Town’s municipal departments and facilities, a free electronics drop off bin with free pick up by Sunnking Electronics Recycling Services, and

WHEREAS, the Town Board has given due consideration to the request of the Town Supervisor and deems it in the public interest to declare the aforementioned items to be surplus equipment and permit donation of said items for recycling.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby declares the aforementioned electronic equipment to be surplus equipment and authorizes Code Enforcement Officer, Matt Fischione, to donate said equipment to Sunnking Electronic Recycling Service, 4 Owens Rd, Brockport NY 14420, to be recycled at no cost to the Town per the arrangement made with the Town of Lancaster’s Deputy Highway Superintendent.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant Chapter 400-Zoning, Article XIV Administration and Enforcement, §400-78 Special use permits, of the Code of the Town of Lancaster, upon the application of **Richard J. Koch**, for a Special Use Permit for a Home Occupation (C.P.A. Office) on premises located at 60 Michael’s Walk (SBL No. 116.14-4-32), Lancaster, New York, and the Board issued such Special Use Permit on June 16, 2008, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, per its terms and conditions, this Special Use Permit is currently up for renewal, and

WHEREAS, by letter received April 21, 2022, **Richard J. Koch**, has requested that the Town Board renew the Special Use Permit for an additional two (2) year term, and

WHEREAS, Matt Fischione, Code Enforcement Officer has recommended approval of this Special Use Permit Renewal per his letter dated April 25, 2022.

NOW, THEREFORE,
BE IT RESOLVED, as follows:

1. That pursuant to Chapter 400-Zoning, Article IV. Residential Districts, §400-16(F) Home Occupations, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant the Special Use Permit renewal to **Richard J. Koch**, for a Home Occupation (C.P.A. Office) on premises located at 60 Michael’s Walk (SBL No. 116.14-4-32), upon the terms and conditions as set forth in the Zoning Ordinance for the period beginning June 16, 2022 and ending June 15, 2024, and

2. That the applicant will continue in compliance with conditions as set forth in forth §400-16(F) Home Occupations and §400-78 Special use permits of the Code of the Town of Lancaster and to any additional conditions listed herein, as long as the applicant continues to engage in this home occupation on the premises, namely:

- A. This Special Use Permit terminates when the applicant no longer resides on the premises.
- B. Permit must be renewed every two (2) years at no additional cost to applicant. Permit renewal is considered upon the property owner submitting a written request to the Town Clerk, **on or before June 15, 2024.**
- C. Applicant will obtain and provide a copy of the business’ New York State Tax/Federal Employer Identification Number and, where required, a copy of a valid State License issued by the appropriate regulatory agency for the service being provided.
- D. Applicant will authorize representatives from the Building Inspector’s Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

May 16, 2022	COUNCIL MEMBER BURKARD	VOTED	YES
	COUNCIL MEMBER DICKMAN	VOTED	YES
	COUNCIL MEMBER LEARY	VOTED	YES
	COUNCIL MEMBER MAZUR	VOTED	YES
	SUPERVISOR RUFFINO	VOTED	YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Matthew Fischione, Code Enforcement Officer, of the Town of Lancaster, by letter dated April 21, 2022, has requested the creation of one (1) additional position of Building and Zoning Clerk, in the Building and Zoning Department.

NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) for authorization by the County of Erie Department of Personnel to create one (1) additional position of Building and Zoning Clerk, in the Building and Zoning Department, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary actions to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER BURKARD, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Michelle Barbaro, Deputy Highway Superintendent of the Town of Lancaster, has requested that the CO Detection System within the Town of Lancaster Police Department’s Gun Range located at 525 Pavement Road be replaced, and

WHEREAS, the Park Crew Chief has solicited two (2) quotes for a new CO Detection System in accordance with the Town of Lancaster’s Procurement Policy, and

WHEREAS, by letter dated May 10, 2022, the Deputy Highway Superintendent has recommended that the Town of Lancaster accept the proposal from Mollenberg-Betz dated April 29, 2022 (#RS20222-007 Rev2), in the amount of \$6,940.00.

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor, to accept the quote dated April 29, 2022, from Mollenberg-Betz, 300 Scott Street, Buffalo, New York, 14204 to provide and install a new CO Detection System within the Town of Lancaster Police Department’s Gun Range located at 525 Pavement Road, for an amount not to exceed \$6,940.00 per their quote dated April 29, 2022 (#RS20222-007 Rev2) and which will be paid for with funds available from the Town’s 2022 Other Public Safety Income, account 05-1589.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
SUPERVISOR RUFFINO, TO WIT:

WHEREAS, the Town Board is considering the approval of a proposed Motel and Mixed Use Facility with commercial space on first floor submitted by Lucas James, to be located at the corner of Broadway Street and Bowen Road (SBL No. 116.31-1-3) in the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this project pursuant to SEQR regulations at their meeting on April 20, 2022, and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the construction project using the short Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled an “Unlisted” action under SEQRA.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

- 1. This project is described as a Motel and Mixed Use Facility with commercial space on first floor, to be located at the corner of Broadway Street and Bowen Road (SBL No. 116.31-1-3), will not result in any large and important impacts and, therefore, it is an action which will not have a significant adverse impact on the environment, and therefore the Board issues the attached negative declaration of environmental significance for the reasons stated therein..
- 2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
- 3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
- 4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKHARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 16, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Lancaster has reviewed the proposed Motel and Mixed-Use Facility with commercial space on first floor, to be located at the corner of Broadway Street and Bowen Road (SBL No. 116.31-1-3) submitted by Lucas James, and the Town Board has determined the project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Broadway and Bowen Development # 2210

Location of Action Broadway Street and Bowen Road (SBL No. 116.31-1-3), Lancaster, New York 14086, Erie County.

SEQR Status: Unlisted

Description of Action: Motel and mixed-use facility, commercial space and coffee shop on first floor.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **Small impact, Variances are required.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact.**
3. Will the proposed action impair the character or quality of the existing community? **Small impact. Neighbors have raised concerns about noise, property maintenance, hours of operation, and traffic.**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **Small impact. Pedestrian safety concerns due to increased traffic.**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact.**
7. Will the proposed action impact existing:
 - a. public/private water supplies? **Small impact**
 - b. public/private wastewater treatment utilities? **Small impact (per NYS DEC's letter dated March 22, 2022).**

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact.**
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora or fauna)? **No impact.**
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **Small impact. Per the NYSDEC letter dated January 3, 2021, proposed action may result in development within a 100- year floodplain.**
11. Will the proposed action create a hazard to environmental resources or human health? **No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, Michelle Barbaro, Deputy Highway Superintendent of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated May 11, 2022 has recommended the appointment of the following individual(s) to the following part-time temporary seasonal position(s).

NOW, THEREFORE,

BE IT RESOLVED, that the following individual(s) are hereby appointed to the following part-time temporary seasonal position(s) in the Parks, Recreation and Forestry Department, for a period not to exceed five (5) months, and that these being part-time position(s), provide no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Kyle Backert Lancaster, NY	Laborer	\$16.00	May 17, 2022
William Chilelli Lancaster, NY	Laborer	\$14.50	May 9, 2022
John Cook Lancaster, NY	Laborer	\$16.00	May 17, 2022
Christopher King Lancaster, NY	Laborer	\$16.00	May 12, 2022
Cole Laskowski Lancaster, NY	Laborer	\$16.00	May 17, 2022
Conor Mahony Lancaster, NY	Laborer	\$16.00	May 17, 2022
Ryan Mansell Lancaster, NY	Laborer	\$14.50	May 17, 2022
Nathan Massaro Lancaster, NY	Laborer	\$14.50	May 17, 2022
Richard Frey Lancaster, NY	Recreation Supervisor	\$20.00	May 17, 2022

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER BURKARD, TO WIT:

WHEREAS, John Trojanowsky, Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated May 11, 2022 has recommended the appointment of the following individual to the following part-time permanent position in the Town of Lancaster Youth Bureau.

NOW, THEREFORE,

BE IT RESOLVED, that the following individual is hereby appointed to the following part-time permanent position in the Town of Lancaster Youth Bureau, working not more than nineteen and three-quarter hours per week, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time employees:

NAME	ADDRESS	POSITION	HOURLY RATE	EFFECTIVE DATE
John Kaczorowski	Buffalo, NY	Tutor	\$17.50	May 18, 2022

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MAZUR, WHO
MOVED ITS ADOPTION, SECONDED BY
SUPERVISOR RUFFINO, TO WIT:

WHEREAS, the Town Board is considering the Rezone application submitted by Jeffery Palumbo of Barclay Damon, LLP on behalf of WKP2, LLC, Oakridge MFR Holdings, LLC, and RDNW LLC, LLC for the +/- 4.9 acre property located at 338 Harris Hill Road (SBL No. 82.04-1-1.11) from Light Commercial (LC) to Multifamily Residential Mixed-use District (MFMU), to correct current zoning misclassification which will bring the property into conformity with zoning code within the Town of Lancaster, and

WHEREAS, the Town of Lancaster Planning Board has reviewed the environmental impact of this rezone project pursuant to SEQR regulations at their meeting on April 6, 2022 and recommended that a Negative Declaration be issued, and

WHEREAS, the Town Board has duly considered the plans for the rezone project, using the Long Environmental Assessment Form, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”) regulations, and such other information deemed appropriate, including the recommendation of the Town of Lancaster Planning Board, and

WHEREAS, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination, and

WHEREAS, the proposed action has been labeled a “Type I” action under 6NYCRR Part 617.4(6)(v) of SEQR.

NOW, THEREFORE,
BE IT RESOLVED, by the Town Board of the Town of Lancaster that:

1. Based upon the Town Board’s thorough and careful review of the proposed rezone of the +/- 4.9 acre property located at 338 Harris Hill Road (SBL No. 82.04-1-1.11) from Light Commercial (LC) to Multifamily Residential Mixed-use District (MFMU), will not result in any significant environmental impacts and hereby issues a negative declaration pursuant to SEQRA for the reasons stated therein.
2. The Town Clerk shall file a copy of the Negative Declaration in the file for the Project.
3. The Town Attorney's Office shall prepare and file a Notice of Determination of Non-Significance with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal.
4. This resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

NEGATIVE DECLARATION
Determination of Non-Significance

Town of Lancaster Town Board

Dated: May 16, 2022

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Lancaster Town Board (the “Town Board”) has reviewed the proposed rezone of the +/- 4.9 acre property located at 338 Harris Hill Road (SBL No. 82.04-1-1.11) from Light Commercial (LC) to Multifamily Residential Mixed-use District (MFMU), submitted by Jeffery Palumbo of Barclay Damon, LLP on behalf of WKP2, LLC, Oakridge MFR Holdings, LLC, and RDNW LLC, and has determined the Project will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: 338 Harris Hill Rezoning

Location of Action: 338 Harris Hill Road (SBL No. 82.04-1-1.11) Lancaster, New York 14086, Erie County.

SEQR Status: Type I Action.

Description of Action: Applicant seeks to rezone the property from Light Commercial to Multifamily Mixed-use. Rezoning corrects mistaken zoning classification, bringing property into conformity with zoning code.

Reasons Supporting this Determination: Potential environmental impacts associated with the Project were identified in the Environmental Assessment Form. The Town analyzed the project under the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below based on each criterion specified in 6 NYCRR § 617.7(c)(1), the Project will not have a significant adverse impact on the environment.

1. Impact on land - **No impact.**
2. Impact on Geological Features – **No impact.**
3. Impacts on Surface Water – **No impact.**
4. Impact on Groundwater – **Impact.**
 - **Should proposed 47 residential units be created, a downstream capacity analysis will be required per DSM response dated November 16, 2021.**
5. Impact on Flooding – **No impact.**
6. Impact on Air – **No impact.**
7. Impact on Plants and Animals – **No impact.**
8. Impact on Agricultural Resources – **No impact.**
9. Impact on Aesthetic Resources – **No impact.**

10. Impact on Historic and Archeological Resources – **No impact.**
11. Impact on Open Space and Recreation – **No impact.**
12. Impact on Critical Environmental Areas – N/A
 - **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
13. Impact on Transportation – **No impact.**
14. Impact on Energy – **No impact.**
15. Impact on Noise, Odor and Light – **No impact.**
16. Impact on Human Health – **No impact.**
17. Consistency with Community Plans – **Impact.**
 - d. NYS Heritage areas: West Erie Canal Corridor.**
 - g. potential 47 residential units to be created.**
18. Consistency with Community Character – **No impact.**

For Further Information:

Contact Person: Thomas E. Fowler, Jr., Town Attorney

Address: Town of Lancaster
21 Central Avenue
Lancaster, New York 14086

Telephone Number: (716) 684-3342

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER LEARY, TO WIT:

BE IT RESOLVED, that the Town Board of the Town of Lancaster hereby approves, as presented, the Agreement for Leave of Absence between the Town, the CSEA White Collar Unit and Sherry Guarino.

BE IT FURTHER,
RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

SUSPENDED RESOLUTION:

COUNCIL MEMBER BURKARD requested a suspension of the necessary rules for immediate consideration of the following resolution:

A MOTION WAS MADE BY COUNCIL MEMBER BURKARD, SECONDED BY COUNCIL MEMBER LEARY TO SUSPEND THE RULES.

The question of the suspension was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

The suspension was GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER BURKARD, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER LEARY, TO WIT:

WHEREAS, Jean Karn, Dog Control Officer of the Town of Lancaster, by letter dated April 26, 2022 has recommended the appointment of the following individual to the following part-time temporary seasonal position.

NOW, THEREFORE,

BE IT RESOLVED, that the following individual is hereby appointed to the following part-time temporary seasonal position in the Town of Lancaster Dog Control Department, for a period not to exceed five (5) months, and that this being a part-time position, provides no health insurance, sick days, vacations, or other fringe benefits not specifically mandated for part-time temporary employees:

<u>NAME</u>	<u>POSITION</u>	<u>PAY RATE PER HOUR</u>	<u>EFFECTIVE DATE</u>
Kim Offhaus Lancaster, NY	Dog Control Officer	\$ 16.00	May 16, 2022

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster shall be authorized to take all necessary action to implement the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	NO

May 16, 2022

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MAZUR, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, has recommended the appointment of Police Officer Ronald Giza, of Lancaster New York, to the position of Police Lieutenant to fill an existing vacancy, and

WHEREAS, Ronald Giza is eligible for appointment as a result of his placement on the applicable Erie County Department of Personnel Eligible List.

NOW, THEREFORE,

BE IT RESOLVED, that Ronald Giza be and is hereby appointed to the position of Police Lieutenant in the Town of Lancaster Police Department effective May 17, 2022, contingent upon approval by the Erie County Department of Personnel, and that such appointment shall be subject to all applicable provisions of the collective negotiations agreement between in the Town of Lancaster and the Cayuga Club Police Benevolent Association and all applicable provisions of law, and

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to take all necessary action to implement for foregoing.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

May 16, 2022

COMMUNICATIONS & REPORTS

- 299. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent and Building Inspector – Draft copy of minutes from the April 20, 2022 Planning Board meeting. Disposition = Received & Filed**
- 300. Village of Lancaster to Supervisor – Notice of Site Plan Review for Lancaster Coffee Co. & Café, 19 W. Main St. on May 19, 2022 at 5423 Broadway, Lancaster, NY. Disposition = Received & Filed**
- 301. Supervisor to Town Board – Request to deem certain items as surplus and allow them to be discarded through Sunn King. Disposition = Resolution 5/16/22**
- 302. Stormwater Management Officer to Drainage and Storm Sewer Committee – MS4 Report for April 2022. Disposition = Received & Filed**
- 303. Hon. Jeremy Colby to Supervisor and Town Board – Request for Town Board to approve the appointment of David Hanitz, Lancaster, NY to the position of part-time Court Officer at Lancaster Town Court effective May 16, 2022. Disposition = Tabled**
- 304. Town Clerk to Code Enforcement Officer – Letter from Daniel Bedell, II requesting a renewal of his Special Use Permit for a Home Occupation (Gunsmithing and Sales) on premises located at 3976 Walden Ave. Disposition = Received & Filed**
- 305. Animal Health Inspector, NYS Agriculture & Markets to Supervisor – Municipal Shelter Inspection Report completed on 4/20/2022. Disposition = Received & Filed**
- 306. Monica Wallace, Member of NYS Assembly to Supervisor and Town Board – New York State budget includes \$200,000 for retreeing public land impacted by an invasive species. Disposition = Received & Filed**
- 307. John Crinzi to Supervisor – Request to be appointed to the fourth position as Bingo Inspector for the Town of Lancaster. Disposition = Resolution 5/16/22**
- 308. Animal Health Inspector, NYS Agriculture & Markets to Supervisor – Dog Control Officer Inspection Report completed on 4/20/2022. Disposition = Received & Filed**
- 309. Patrol Captain Marco Laurienzo to Planning Board Chairman – No objection to Site Plan Review – Project #1235. Disposition = Received & Filed**
- 310. Patrol Captain Marco Laurienzo to Planning Board Chairman – No objection to Site Plan Review – Project #4642. Disposition = Received & Filed**
- 311. Town Clerk to Town Board – Town Clerk Monthly Report for April 2022. Disposition = Received & Filed**
- 312. Town Engineer to Town Clerk – Recommend resolution to approve the Private Improvement Permit for 5153 Transit Rd. Disposition = Resolution 5/16/22**
- 313. President Hull House Foundation to Supervisor – Request for financial assistance for the reconstruction of a 200-year old threshing barn on the Hull's farmstead. Disposition = Received & Filed**

314. **Code Enforcement Officer to Town Board –**
Request for certain items to be deemed surplus and scrapped for electronic recycling. Disposition = For Resolution
315. **Erie County Dept. of Public Works Division of Highways to Supervisor –**
Instructions for Snow Removal and Ice Control Agreement 2022-2025.
Disposition = Received & Filed
316. **Highway Superintendent to Town Board –**
Request for resolution to hire Lardon Construction Corp., 108 Lake Ave., Blasdell, NY to grind and remove brush material at the Genesee St. site.
Disposition = For Resolution
317. **Robert Heil, SLA Solutions to Town Clerk –**
Request for waiver of the 30-Day Advance Notice regarding a liquor license for Lancaster Motorplex, 57 Gunville Road, Lancaster.
Disposition = Town Attorney
318. **Town Engineer to Town Board –**
Wendel's recommendation for the chimney on Town Hall to be repaired as part of the Masonry Work being conducted on the exterior and the contractor's quote. Disposition = Received & Filed
319. **Town Engineer to Town Board –**
Wendel's request for Scope Change regarding Town Hall Site Repairs.
Disposition = Received & Filed
320. **Planning Board Chairman to Planning Board, Town Board, Town Attorney, Town Engineer, Highway Superintendent and Building Inspector –**
Draft copy of minutes from May 4, 2022 Planning Board Meeting.
Disposition = Received & Filed
321. **Planning Board to Town Board –**
Memo recommending approval of Site Plan Review for Retail Store, 5807 Broadway, Proj. #2102. Disposition = Planning Committee
322. **Planning Board to Town Board –**
Memo recommending approval of Rezone Review for 4781 Transit Road, Proj. #8944. Disposition = Planning Committee
323. **Town Attorney to NYSDEC, US Army Corps of Engineers, Erie County Health Dept., Division of Sewerage Management, NYSDOT and Erie County DEP –**
Request for lead agency designation regarding Coordinated Review Site Plan: Try-It CNG Station Parking Lot, 4155 Walden Ave., Proj #4642.
Disposition = Planning Committee
324. **Randall Meidenbauer to Town Attorney –**
Request for Town to remove dead trees on Town property adjacent to his property located at 55 Hemlock Lane. Disposition = Received & Filed
325. **Town Engineer to Town Board –**
No exception to application for a Special Use Permit for Co-Locating a T-Mobile antenna and support equipment at 107 Mohawk Place.
Disposition = Planning Committee
326. **Gregory Sojka to Town Clerk –**
Request for renewal of a Special Use Permit for 1230 Town Line Rd.
Disposition = Received & Filed
327. **Charter Communications to Town Clerk –**
Change in channel line-up. Disposition = Received & Filed

- 328. Deputy Highway Superintendent to Town Board –
Request for resolution to have the CO Detection System at the Town of Lancaster Gun Range replaced by Mollenberg-Betz, Inc., 300 Scott St., Buffalo, NY.
Disposition = Resolution 5/16/22**
- 329. Deputy Highway Superintendent to Supervisor and Town Board –
Request for resolution appointing several individuals to the position of part-time temporary seasonal for the spring/summer season of 2022 in the Parks, Recreation & Forestry Department. Disposition = Resolution 5/16/22**
- 330. Town Engineer to Town Board –
Recommend approval of Change Order 5 by MGR Constructors, Inc. for the Lancaster Dog Control Facility. Disposition = For Resolution**
- 331. Erie County Clerk to Town Clerk –
Erie County Clerk's Office 2021 Annual Report. Disposition = Received & Filed**
- 332. Dog Control Officer to Town Clerk –
Dog Control Monthly Report for April 2022. Disposition = Received & Filed**
- 333. Patrol Captain Marco Laurienzo to Supervisor and Town Board –
Request for Town Board to deem one vehicle surplus property to be sold at public auction. Disposition = For Resolution**
- 334. Youth Bureau Executive Director to Supervisor and Town Board –
Request for one individual to be appointed as a regular part-time tutor for the Lancaster Youth Bureau effective May 18, 2022. Disposition = Resolution 5/16/22**
- 335. Police Chief to Town Clerk –
Articles and communications. Disposition = Received & Filed**
- 336. Vice President Tops Markets to Supervisor –
Comments and concerns regarding the proposed development at 4781 Transit Road. Disposition = Received & Filed**

ADJOURNMENT:

**MOTION WAS MADE BY COUNCIL MEMBER LEARY AND
SECONDED BY COUNCIL MEMBER MAZUR,** to adjourn the meeting in memory of Evelyn Barnhardt, Lieutenant Jeffrey D. Gorski, Joseph Reina, Albert Rinow and Edward Weremblewski at 9:05 P.M.

The question was put to vote on roll call, which resulted as follows:

COUNCIL MEMBER BURKARD	VOTED	YES
COUNCIL MEMBER DICKMAN	VOTED	YES
COUNCIL MEMBER LEARY	VOTED	YES
COUNCIL MEMBER MAZUR	VOTED	YES
SUPERVISOR RUFFINO	VOTED	YES

MEETING ADJOURNED.

May 16, 2022

Signed_____

Diane M. Terranova, Town Clerk